

1 A. That would it affect me?

2 Q. Yes, sir.

3 A. I know I said something to Chief Waters
4 outside of any meetings. It was just me and him one
5 on one, I talked to him about it. And he said it
6 wouldn't affect me. Then I asked him if it would
7 affect the guys that are in school at the time and
8 he said -- I think he said it wouldn't affect them
9 either.

10 Q. All right. Do you remember when that
11 conversation took place?

12 A. I think it was after David got fired
13 actually.

14 Q. You think it was after David got fired?

15 A. Yes, sir.

16 Q. So you didn't ask about the probationary
17 period being extended before it actually happened?

18 A. What's that now?

19 Q. All right. Are you telling me that the
20 time you had the conversation with Chief Waters
21 about -- your questioning about the probationary
22 period affecting you, that it was after it had
23 already been implemented? Is that what you're
24 saying?

25 A. Yes. Yes, sir. Well, I -- I couldn't

1 really tell you when it got implemented. I know
2 they were talking about -- when we had a
3 conversation, they were talking about bringing it
4 about and that we need to call and say, you know, we
5 didn't like it. But I don't know if it was in
6 effect then or when it become -- when it wasn't in
7 effect, so --

8 Q. Well, there wouldn't be any need to call
9 city council about something you didn't like if it
10 had already happened, would it?

11 A. No, sir.

12 Q. Okay.

13 A. Well -- I guess not, no.

14 Q. All right. So all I'm trying to do is kind
15 of get a time frame on this. And my question
16 basically is, do you recall whether or not there was
17 a discussion -- and when I say a discussion, a
18 presentation by Chief Hunter and Chief Waters to
19 your shift where you were there and heard them say,
20 way in advance of this ordinance being passed, that
21 there was talk about going from 12 months to 18
22 months as a probationary period for new hires?

23 A. I can't remember. What I remember when we
24 were in class, Chief Waters brought it up in class
25 about, you know, don't be surprised if it did

1 happen.

2 Q. All right. Well, did you -- at that time
3 in class, did you ask a question about that?

4 A. Not sure. I probably would have though.

5 Q. All right. And that's because you got
6 hired in June of '05?

7 A. Yes, sir.

8 Q. And so if something were happening towards
9 the end of '05 or early '06, you were still in your
10 probationary period, weren't you?

11 A. Yes, sir.

12 Q. So you were one of the people that would
13 have been most concerned, I take it, about whether
14 or not it affected you --

15 A. Yes, sir.

16 Q. -- is that right? Now, let's go to the
17 incident that you talked about where you say you
18 were sitting at a table with David Davis and Captain
19 George Bennett. And it's my understanding from your
20 earlier testimony that you said that you -- that
21 y'all were sitting there and somebody read something
22 in the paper about the probationary period being --
23 about to be changed from 12 months to 18 months?

24 A. Yes, sir.

25 Q. Who read it?

1 A. I couldn't tell you.

2 Q. You don't remember you reading it?

3 A. I mean, the paper was passed around. I
4 don't remember right offhand.

5 Q. Well, who brought it up?

6 A. David Davis.

7 Q. David brought it up? Okay. And so you
8 were there and David was there and Captain Bennett
9 was there?

10 A. Yes, sir.

11 Q. And it's my understanding of your previous
12 testimony a few minutes ago that David said
13 something about calling somebody?

14 A. Yes, sir.

15 Q. And Captain Bennett told him what again?
16 Not to do that?

17 MR. WOODLEY: That's not his testimony.

18 It's just the reverse. I would object on that.

19 Q. Okay. Well, tell me what was the first
20 thing that George Bennett told David Davis about
21 whether or not any call should be made to city
22 council?

23 A. He was like, you know, I probably wouldn't
24 do that because, you know -- might be -- pretty much
25 stepping on toes. I mean, I couldn't really tell

1 you. It might make somebody mad. And David
2 returned with, you know, I can call them on behalf
3 of the union.

4 Q. So let me stop you a minute. So the first
5 thing George Bennett told him was not to call
6 somebody --

7 A. Right.

8 Q. -- is that right?

9 A. Yes, sir.

10 Q. Because it might step on somebody's toes.
11 Is that what you're telling me?

12 A. Well, pretty much something like that.
13 Those aren't the exact words, but something like
14 that.

15 Q. Well, in fact --

16 MR. WOODLEY: You're going to have to let
17 him finish his answer without interrupting
18 him. Were you finished with your answer?

19 A. I think.

20 Q. You got anything else you want to add to
21 the answer?

22 A. I forget what the question was. Okay.
23 What's the question again? I'm sorry.

24 Q. Okay.

25 A. What was said?

1 Q. Here's where we were as I understand it.
2 Mr. Davis had just remarked that he thought he
3 should call somebody?

4 A. Right.

5 Q. Meaning a city council member?

6 A. Right.

7 Q. And Captain Bennett told him he wouldn't do
8 that if he were him because it might step on
9 somebody's toes. Is that where we were?

10 A. Right. It might mess --

11 Q. Well, I don't have anymore questions. I
12 just want to know, is that where we were? Yes or
13 no?

14 A. Yes.

15 MR. WOODLEY: Object to the leading nature
16 of the questions.

17 MR. MCKOON: Well, it's cross-examination.
18 I can lead him all I want to.

19 MR. WOODLEY: You can give your own answers
20 in your own words.

21 MR. MCKOON: It's cross-examination. I can
22 lead him all I want to.

23 Q. So the next thing that happened, as I
24 understand it, was David made some further remark
25 about, well, he could call as union representative.

1 A. Yes, sir.

2 Q. Now, before we get into that part of it,
3 did you understand in your training as a fireman --
4 as a new fireman, that there was such a thing as a
5 chain of command?

6 A. Yes, sir.

7 Q. And did you understand that if you had a
8 problem related to your work, that you should take
9 it to your supervisor?

10 A. Yes, sir.

11 Q. All right. And as far as you knew at that
12 time, this didn't concern Mr. Davis, did it, from
13 the standpoint of his employment?

14 A. The 18 months?

15 Q. Right.

16 A. It wouldn't have affected him.

17 Q. It wouldn't have affected him at all, would
18 it?

19 A. No, sir.

20 Q. Okay. And so the only person in the room
21 at that time, or at the table at that time, that it
22 might have had an effect on would have been you; is
23 that correct?

24 A. Yes, sir.

25 Q. All right. So when you're having this

1 discussion, we're now at the point where Mr. Davis
2 says, well, he will call as union president, are you
3 telling me that Mr. Bennett then reversed field and
4 said -- when he had previously said don't call
5 somebody, he now told -- encouraged him to call
6 somebody?

7 A. He was saying, I would call if I was you.

8 Q. Okay. So he went from saying -- almost
9 within a space of a minute or two saying don't call
10 somebody to saying call somebody --

11 A. Yes, sir.

12 Q. -- is that right? And who all overheard
13 that?

14 A. Me. Us three.

15 Q. Just the three of y'all?

16 A. There was somebody -- I mean, somebody else
17 was at the station, too. I'm not sure if they were
18 sitting at the table. I want to say it was Daniel
19 Dixon was down there with us.

20 THE REPORTER: What was that last name
21 again?

22 A. Dixon.

23 Q. Was he sitting at the table?

24 A. I'm not sure.

25 Q. All right. So after that happened, you

1 later learned that Mr. Davis had actually called the
2 mayor or some members of the city council?

3 A. Yes, sir.

4 Q. All right. And then he was terminated; is
5 that correct?

6 A. Yes, sir.

7 Q. All right. When is the -- have you talked
8 to Mr. Davis about this within the last week or so?

9 A. No, sir.

10 Q. You have not talked to him at all?

11 A. I've talked to him at the gym, but it's
12 pretty much about me leaving.

13 Q. You haven't spoken with him about this
14 issue at all?

15 A. About the depositions? I mean, he -- he
16 told me they would probably be coming up.

17 Q. Okay. But when did you talk with him about
18 that?

19 A. Not sure.

20 Q. Okay. You don't know?

21 A. No, sir.

22 Q. Has it been in the last month?

23 A. Uh -- I think so.

24 Q. Did you talk to him yesterday?

25 A. I don't think so.

1 Q. You don't think you talked to him
2 yesterday? Well, you would remember that, wouldn't
3 you?

4 A. Yes. I mean, I've -- I've been busy, but
5 I -- I don't think I've talked -- I don't think -- I
6 didn't talk to him yesterday.

7 Q. Okay. Well --

8 A. Hold on. No, I didn't talk to him
9 yesterday.

10 Q. You did talk to him?

11 A. No, I didn't.

12 Q. You did not?

13 A. No, sir.

14 Q. You did not?

15 A. No, sir. I talked to him -- what day --
16 two days ago, couple days ago.

17 Q. Two days ago?

18 A. At the gym.

19 Q. At the gym. And what was that discussion
20 about?

21 A. I take it back. It wasn't two days ago.
22 I'm trying to think. It was a couple days ago. I
23 wouldn't say two days ago. I saw him at the gym
24 here recently, within the past five or six days.

25 Q. And what was the topic of your

1 conversation?

2 A. Me leaving.

3 Q. Okay. You didn't say anything about your
4 deposition?

5 A. No, sir.

6 Q. Or what you would testify to in your
7 deposition?

8 A. I -- I did talk to him about that, yes,
9 sir.

10 Q. Tell me about that discussion.

11 A. It was just -- I was like, they asked me
12 some questions, you know, about what happened. Told
13 him what happened, what I said. Same thing we're
14 talking about here.

15 Q. Okay. Did you ever get any phone calls
16 from Mr. Davis after the day you sat there at the
17 table with him and these events transpired that you
18 have testified about regarding polling you as to
19 your opinion as to what should happen about this?

20 A. No, sir.

21 Q. Okay. Do you know of anybody else that got
22 a phone call like that?

23 A. No, sir.

24 Q. All right. Mr. Woodley asked you if other
25 firefighters were concerned about this. As I

1 understand it, how long was it between the time, if
2 you know, that you-all had this discussion at the
3 table and Mr. Davis called the mayor?

4 A. I'm not sure.

5 Q. Well, did you ever go to a union meeting
6 where this was discussed?

7 A. No, sir.

8 Q. Did you ever talk to any other firefighters
9 about this, other than Mr. Davis and George Bennett,
10 about this issue?

11 A. Yes, sir.

12 Q. Who did you talk to about it?

13 A. I'm not sure. Probably Lund -- I mean, it
14 was -- it was a big topic when it first come about.
15 I mean, a lot of people talked about it. I'm not
16 sure.

17 Q. Who else? You said Eric Lund. Who else?

18 A. I'm not sure.

19 Q. You can't think of another person sitting
20 here today?

21 A. I mean, I talked to Chief Waters about it.

22 Q. Have you told me everything you and Chief
23 Waters talked about?

24 A. I guess.

25 Q. I mean about this subject?

1 A. Yes, sir.

2 Q. All right. Was Chief Waters truthful with
3 you when he answered your questions?

4 A. He told me it wouldn't affect the guys in
5 the school. I think it did -- I mean, he might not
6 have known. I mean, he wouldn't -- he wouldn't lie
7 about it. I mean --

8 Q. Did he more or less have an open door
9 policy; if you had a problem, you could go in and
10 talk with him about it?

11 A. Yes, sir.

12 Q. Do you know any other firefighters that had
13 a problem with this particular policy other than
14 Eric Lund, if he did -- I mean, you told me you
15 talked to him about it. I don't know that you told
16 me he had a problem with it -- other than you and
17 Mr. Davis?

18 A. There are other people that didn't like it,
19 but -- I mean, I couldn't tell you.

20 Q. You don't know the name of any of them; is
21 that right?

22 A. That's right.

23 Q. And all of those people, at the time that
24 you would have talked to them about it, were people
25 that were already hired and already firefighters --

1 A. Yes, sir.

2 Q. -- is that right? And this policy didn't
3 have any effect on them?

4 A. No, sir. I think the only one it might
5 have had an effect on --

6 Q. Just one other thing. Do you know whether
7 or not the change in the policy had any effect on
8 recruitment of new firefighters?

9 A. Like would it affect anyone that started
10 applying for it?

11 Q. No, sir. I'm saying you, in your position
12 as a firefighter with the City of Phenix City, up
13 until today, did you know if this policy of changing
14 from a 12-month probationary period to an 18-month
15 probationary period for new hires had any effect on
16 the recruitment of new firefighters for the City of
17 Phenix City?

18 A. No, sir. I wouldn't be able to tell that.

19 MR. MCKOON: That's all.

20 FURTHER EXAMINATION

21 BY MR. WOODLEY:

22 Q. Just a couple of follow-up questions,
23 Mr. Sheets, if I may. Again, going back to this
24 conversation you've testified about at the station
25 around the table involving Captain Bennett and

1 Mr. Davis, on that subject, have you had any recent
2 conversations with Captain Bennett, say in the last
3 six months, in which you may have discussed that
4 earlier conversation about the proposed ordinance
5 enlarging the probationary period?

6 A. Before the last time we sat down, when I
7 went up there to pick up Dixon, he thought he didn't
8 say it. He said he don't remember saying that. And
9 I described the whole situation to him then, too.

10 Q. You just said Captain Bennett could not
11 recall having said what you have testified about
12 today?

13 MR. MCKOON: I'm going to object to what
14 Captain Bennett told him outside of here. It's
15 hearsay.

16 Q. Go ahead.

17 A. All right. I went up there to pick up
18 Dixon, that conversation was up, and he said he
19 don't remember saying that. And then I told him the
20 whole -- everything I've told y'all about the whole
21 situation, about the whole talk at the table. And I
22 told him about that and he said he still didn't
23 remember that conversation.

24 Q. And when was this more recent conversation
25 you're talking about now with Captain Bennett?

1 A. Thursday.

2 Q. Of last week?

3 A. When I picked up Dixon to come down here
4 for the -- when we talked last time.

5 Q. And you say that Mr. Dixon was involved in
6 that conversation around the table concerning the
7 proposed ordinance and the enlargement of the
8 probationary period?

9 A. He -- he might have been --

10 MR. MCKOON: I object. That's not what he
11 said. But anyway, he can say whatever he wants
12 to.

13 Q. Was Dixon involved in that conversation?

14 A. He wasn't.

15 Q. He was not?

16 A. Not -- not that I can remember. I mean,
17 he --

18 Q. So the only three individuals involved in
19 that earlier conversation about the probationary
20 period was yourself, Davis, and Captain Bennett; is
21 that accurate?

22 A. Right. Dixon might have. I mean, he
23 was -- he -- I think he was down there at the
24 station with us. Because when I went up there to
25 pick him up and told him that situation, Dixon said

1 he can't remember, you know, what -- you know, what
2 was said at the table then. I don't know if he was
3 at the table. He might have been sitting on the
4 couch, might have been in another room.

5 MR. WOODLEY: Fair enough. I don't have
6 any further questions. Thanks for coming.

7 FURTHER EXAMINATION

8 BY MR. MCKOON:

9 Q. Just a couple more things. Have you ever
10 heard Mr. Davis use the term the blue shirts versus
11 the white shirts?

12 A. No, sir.

13 Q. Never heard him say that? Did Mr. Davis
14 ever tell you he felt like the white shirts were
15 against him?

16 A. Not that I can remember.

17 Q. Never heard anything like that?

18 A. No.

19 MR. MCKOON: All right. That's all.

20 MR. WOODLEY: Thanks for coming.

21 (The deposition concluded at 12:50 p.m.)

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REPORTER'S CERTIFICATE

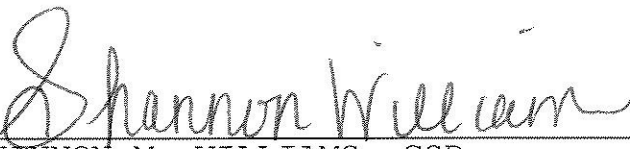
STATE OF ALABAMA

MONTGOMERY COUNTY

I, Shannon Williams, Certified Shorthand Reporter and Commissioner for the State of Alabama at Large, hereby certify that on Thursday, November 7, 2007, I reported the deposition of BRANDON L. SHEETS, who was first duly sworn or affirmed to speak the truth in the matter of the foregoing cause, and that pages 1 through 40 contain a true and accurate transcription of the examination of said witness by counsel for the parties set out herein.

I further certify that I am neither of kin nor of counsel to any of the parties to said cause, nor in any manner interested in the results thereof.

This 16th day of November, 2007.


SHANNON M. WILLIAMS, CSR
Commissioner for the
State of Alabama at Large

MY COMMISSION EXPIRES: 1/14/2010